App. F. IX-4

193 1. 32 (Legis)

File No. 4-31

Serial Nos. 3, 4, 5-8

Previous References

Legis 26-30-4 & 8
" 26-30-13 & 21
" 26-30-14, 16, 22 & 23

PRESERVED

Later References

Legis 23-31-19 & 20
" 13.32-45-48
" 4-34-1-6
7-34-6-7

General and Revenue Secretariat.

Serial Nos. Four

Part B for May 1932.

SUBJECT

Permanent disqualification of Arasu Srikanda for obtaining a driving licence in Malige Kempanna of Nanjangud from obtaining a driving licence

---

81

To the Compiler, Mysore Gazette

Notification No. P4-31-8 of 11.5.32

Notifies the above.

Mr. Abdul Aziz
25.5.32

General and Revenue Secretariat — File No. 4 of 1931.

Serial No.

3

Letter No G₂-831/31-32 dt 11.1.32 from the Mysore Dt- Recommends that the motor driving license of Srikanta of Nanjangud be cancelled as he has been found unfit to be entrusted with the driving of motor vehicles.

1) The Dy reports that the driver was once convicted and sentenced to imprisonment & fine and recommends that he may be permanently disqualified from driving any vehicle.

2) Under S 18 3) (ii) of the motor Vehicles Act Govt may in its discretion after giving the person affected an opportunity of being heard declare any person disqualified for obtaining a license under this Act either permanently or for such period as it thinks fit.

Submitted 15.1.32.

3) The party has to be heard before passing orders. A date may be fixed & notice issued for his appearance

Chief Secretary) 16/1/32

Record Member) 18/1/32

4) Will it not do if he is given an opportunity of being heard before he is disqualified? Does 18(1) require his being heard first? 20/1/32 21/1/32

OFFICE OF THE REGISTRAR OF CO-

5-887

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

2

3061

Legn File No. 4 of 1931 | General and Revenue Secretariat

5) Sec 18 (1) reads "The Govt may after giving the person affected an opportunity of being heard cancel or suspend etc"
As they stand, the words mean that the authority passing the order should hear the person affected under clause (2) the Dr. Magte should hear the party before he passes an order. It does not seem to be a sufficient compliance with the section if the Dr. Magte hears the party, & then the Govt passes an order on the record. Instructions have been issued to the parties to appear before Govt for being heard. Precedents are put up.
Secn Member) Ce 27/11/32

OFFICE OF THE SECOND MEMBER [illegible] COUNCIL
29 JAN. [illegible]2
6709

6) The Member desired to know if it has been notified under Sec 18 who the 'prescribed authority' is.
Ce 29/11/32

7) No authority has been prescribed as such under Sec 18(2). But under r 11 (2) (d) & (e) rules have been framed as part of the general rules, vide Rule 16 and forms F, and F2. Under these the license may be suspended or cancelled by the authorities mentioned

Bmc Mott
1.2.32

Subject-
mechanism of
giving licen

Serial No.

8) Under section 11 (2) (e) and section 18, Government have not prescribed the authority by which license may be suspended or cancelled. But in forms F_1 and F_2 (license forms) a condition has been inserted as follows: –

vide PP 29-3-006
M.V. manual

"..... this license may be suspended or cancelled by the authority granting it for a period not exceeding one year ....." This clause may be deemed to have prescribed the authority which could suspend or cancel the license.

9) There ought to have been a separate rule prescribing the authority which could exercise this power and the insertion of a clause like the above in the license form does not appear to be satisfactory. In the license form as it stands, there is also a difficulty which arises in its construction. The condition mentioned above reads as if the particular officer who granted the license can alone suspend or cancel it. Thus, if the D.S.P or the District Magistrate of Bangalore granted the license, he alone can suspend or cancel it, according to this clause, and not the District Magistrate of any other district where the licensee has committed his offensive act which subjects him to the cancellation or suspension of the license. This is not the intention of the rule. In Madras, there is a special rule, No. 22, which specifically prescribes the authority which may cancel or suspend a license and it is the Commissioner of Police in the city of Madras and the District Magistrate in the districts. A similar rule may be enacted here also.

10) Further, the clause in the license form as it stands

NOTE—Contn. Shee

WD 70—GBPM—60,000—13-8-31.

purports to empower the D.S.Ps who have been granting license to cancel them and this probably is not the intention of the Government. The power of suspension or cancellation ought to rest with the District Magistrate and the Government.

11) As regards the hearing of opponents, under section 18(1), the District Magistrate may perhaps be asked to issue notice to the opponent and give an opportunity to him of being heard, to record his statement, if any, and submit the records to the Government. In cases where the party desires the Government to hear his lawyer, it may be allowed.

OFFICE OF THE SECOND MEMBER OF COUNCIL
23 FEB. 1932
No. 6991

12) Submitted with reference to Member's query at para 6.

Legal Member) 22/2/32

13) Papers returned with suggested amendments

23/2/32

23/2

14) Drafts to the above effect are laid before the meeting of the Committee to be held on 27/2

15) Issue

27/2

TYPING SECTION
27 FEB 1932
GEN'L. & REV. SECTT.

Subject
Driving licenses under Motor Vehicles Rules

Serial No. 4

No D 5787 Dt 1.3.32
From Secy Legislative
Re the proposal to disqualify persons Sikanda requests him to issue notice to the said driver and after hearing forward his statement with records & Govt
17) Draft amendment Ruled with reference to paras 9, 10 & 13 supra
Done MOR 2/3/32

18) The draft may be typed as noted above
Sd/-

TYPIST GEN. OFFICE

19) Submitted with typed draft
Done MOR 8/3
Sd/- Illegible

20) Issue
Sd/- 9/3

9. 33

6 Notification No P 5401 Legis 28-31-8 Dt 11.3.32
From the Compiler.
Notifies for general information draft amendments to Rule 6 A and invites Opinions till 30th March 1932

Time till 30.3.1932

NOTE—Contn. Sheet.

6

Legn File No. 4 of 193 | General and Revenue Secretariat

21) Draft Amendment of Rule 16 A of the Mysore Motor Vehicles Rules so as to vest power in DTOs to suspend or cancel driving licenses was published with notifn No P 5401 Legn 23-31-8 of 11-3-32 (Page 44 of Part IV of Mysore Gazette of 17-3-32).

22) No objections or suggestions in respect of the said amendment have been received and the time fixed therefor, namely 30-3-32 having expired, the amendment may perhaps be finally adopted.

Subd for orders with draft notification

Form M&K 22) Maybe adopted

31/3/32

Chief Secretary

Amendment of Motor Vehicles Rules

2 APR. 1932

Please publish

Secretary

12/4/32

23) 13/4/32

Subd with copy of manual

Form M&K 9/4

24) May the draft issue

Form 13/4

25)

13/4/32

TYPING SECTION 14 APR. 1932

12 APR 1932

Serial No.	
	Notfn No P 6064 dt 20.4.32
10	The Compiler

Notifies the addition of Rule 66 B & the deletion of Condition in Rules 7_1 & 7_2 regarding suspending or cancellation of driving licence.

No G_2-831/31-32 dt 31.3.32

From

The Dy Secretary Govt

To desired in this Office letter 1.3.32 forwards the Statement of Ry driver Srikanta before hitting that he has been convicted in the criminal case & & he will be very careful hereafter) Encl: with refee to paras 11 & 13 ibid. The Statement above has been viewed

MSR

32 27) owing to the rash negligent driving of the lorry one man was killed. The lorry was arrested & sentenced to 4 months R.I & Rs 200 fine. He was again convicted for a similar offence & sentenced to a fine of Rs 150 in default 4 months S.I. Dr. Naylor considers that he is

NOTE—Contn. Sheet.

8

502

Eyn File No. 4 25 of 193 1.

General and Revenue Secretariat

not fit to be entrusted with a drink licence & must be permanently disqualified. Re pets pleas. That his living will go if he is disqualified. He has been the cause of the death of two persons & is a danger to the public. He is unfit to be a driver & ought to be disqualified permanently.

Disqualification of driver Erickson

OFFICE OF THE SECOND MEMBER OF COUNCIL
6 MAY 1932
No. 4436

Chief

6/5/32

CHIEF SECRETARY
MAY 1932

6/5/32

6/5/32

agree

9/5

10/5/32

6/5/32

Draft - Notify Labour

11/5/32

TYPING SECTION
12 MAY 1932
GENL. & REV. SECT.

General and Revenue Secretariat — Reg File No. 4 of 193 1. [App. F. III—2

Serial No.	
	Notice No P 6687 Dt 14.5.31
8	Re Complaint
	declared that driver Srikanth
	shall be disqualified permanently
	from obtaining a driving licence.

70/5/31

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13.

3 69 831

No. G2-831/31-32
Encl. one

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,

Dated, Mysore 11th January 1932.

From

S. Abdul Wajid, Esq., B.A.,
District Magistrate,
Mysore District, Mysore.

Legis 4-31-3

GENERAL SECRETARY
13 JAN. 1932
No. Legis.

To

H. Ranga Rao., Esq., B.A., B. L.,
Secretary to the Government of Mysore,
General Department, *Bangalore.*

SIR,

In enclosing herewith a copy of letter No.M.A.13/30-31 dated 21st November 1931 received from the District Superintendent of Police, Mysore District, recommending that the driving license of one Srikanta, son of Malige Kempanna, aged about 25 years and a resident of Nanjangud should be cancelled, I have the honour to state as follows:-

This driver was charge-sheeted under Sec. 304 (A) I.P.C for having caused the death of one Gope Gowda by his rash and negligent driving of ~~his~~ lowry Mys.3653 on 25-3-1931 towards Nanjangud and was convicted and sentenced to undergo 4 months ~~simple~~ Rigorous imprisonment and fined Rs.200/- in C.C.243/30-31 on the file of the Special First Class Magistrate, Nanjangud. The same driver was again convicted for a similar offence and sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.100/- in C.C. 374/30-31 on the file of the Special Magistrate's Court, Nanjangud. The driver was the cause of the death of 2 persons on both these occasions besides injuring some others. In the circumstances the District Superintendent of Police, Mysore District is of opinion that he is not fit to be entrusted with the driving of motor vehicles and recommends that he may be permanently disqualified from driving any vehicle.

I agree with the District Superintendent of Police and recommend that Government may kindly be moved in the matter of permanently disqualifying the said driver Srikanta from obtaining

2

obtaining a [illegible] for driving Motor Vehicles.

I have the honour to be,
Sir,
Your most obedient servant.

For District Magistrate,
Mysore District.
(absent from Head Quarters).

Letter No.M.A.18/30-31 dated 21st November 1931 from the Superintendent of Police, Mysore District, to the District Magistrate, Mysore District.

I have the honour to state that one Srikanta, Driver, Nanjangud who was charged under Section 304 A I.P.C. for causing the death of one Gope Gowda by rash ar negligent act in driving his toddy lorry bearing No. Mys. 3653 on 25-3-31 towards Nanjangud in connection with the lorry accident was convicted and sentenced to undergo 4 months S.I and fined Rs.100/- The accused was also prosecuted for a similar offennce in C.C.No.243/29 and was convicted and sentenced to pay ~~of~~ a fine of Rs.200/- in default of payment of fine to 4 months' R.I. Out of the fine amount recovered from the accused Rs.100/- to be paid to the husband of the deceased as compensation and the Magistrate has also suspended the driving license for 6 months. In appeal the fine was reduced to Rs.150/- in all other respects the order of the lower court was confirmed. The accused appears to be a very rash driver and was the cause of the death of two persons besides injuring some others in these two cases. Under the circumstances, I am of opinion that he is not fit to be entrusted with the driving of motor vehicles and request that Government may be moved to cancel his ~~xxxx~~ license permanently.

C o p y

For District Magistrate,
Mysore District.

4

)pendix F G—1]

JBJECT .....

.....

.....

Section Legal

File No. 4-31

Serial No. 4

Diary No. of letter replied to .....

No. 5787

To The Hon Secretary to Govt

Sir,

I write to refer to your letter No G.2-831/31-32 dt 11.1.32 re the disqualification of driver Srikanta, I am directed to request that you will be pleased to issue notice to the said driver giving him an opportunity of being heard and after hearing and reading his statement, if any, submit the records to Govt

General and Revenue Secretariat

( )

the 193 .

Date of issue 1/3/32

Signed by

List of enclosures .....

2 Records

Copied by

Asst Secy to Govt

Examined by .....

Pm
26/2/32

Subd

The main file has been subd to Chief Secy in connection with writs Amendment of Rule 64. This will therefore be wanted v subd after its return

Done MSK
9/4

4562 5
p 83

No. G2-831/31-32
Encl. one.

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,

Dated, Mysore 31st March 193 2.

Legis 4-31-5

From

S. Abdul Wajid, Esq., B.A.,
District Magistrate,
Mysore District, Mysore.

To

B.T. Keshava Iyengar, Esq., B.A.,
Secretary to the Government of Mysore,
Develppment Department, *Bangalore.*

SIR,

With reference to your letter No. P.5187 Legis 4-31-4 dated 1-3-1932 requesting to give an opportunity of being heard and record the statement of Srikanta in the matter of cancellation of his driving license as recommended in my letter No.G2-831/31-32 dated 11-1-1932, I have the honour to enclose herein for favour of perusal the statement given by the said driver before me to-day. He says that he has been sufficiently punished by the fine and imprisonment awarded in the Criminal Case and that he will be very careful hereafter.

I have the honour to be,
Sir,
Your most obedient servant,

S. Abdul Wajid.

District Magistrate,
Mysore District.

MGS.

మైసూరు జిల్లా కోర్టు వారి ముందు జిల్లా మెజిస్ట్రేటు వారి కుందుట.

31-3-1932 వ తేదీన నంజనగూడు తాలూకా కడబూరు గ్రామంలో నివసిస్తూ
సుమారు 24 సంవత్సరాల వయస్సుగల కా. వుంగిసి శ్రీనివాస నాయక
ప్రాణం తండ్రి సు నివేదించుకోవడమేమనగా-

నాను 25.3.31 వ తేదీన 10.6.1931 లోపల కింది ఐదు నేరాలను
ఆర్. ఐ. బూంయ్య వారు ఏం. ఆర్. ఎ. సాతియవరు మీద త్రోబి వుంతుశ్రీలు
యాంగ్లో ఆంధ్రులతో సంభవించి ఇచ్చిన సత్యప్రమాణాలు అంగీకరించి
యిరువురు పెద్ద ఆధారంగా, నంజనగూడు మేజిస్ట్రేట్ లో రేంజర్ట్రిగ్గర్లు
నానాసి గార్డు అని ఆరోపణ చార్జీలను నన్ను త్రోవింగ్ లో నేరాలు
మోపుచూపుతూ ఎఫ్. ఐ. ఆర్ లో నాపేరు వుంటే తీసివేసుకోవాలని సోర్రీ లెటర్
రిపోర్టు 1.3.32 లో వున్నది P. 5187 Legis 4-31-4 లో నంబరు
ఆర్డర్ చూడగా ఈ ఐదు నేరాలలో నన్ను జిల్లా రేంజర్ తాలూకా మాపై
కింద బోర్డు కమిషనర్ ఆఫీసు నుండి 8.3.32 లో వున్నది.
నోటీసు ప్రకారం ఈ వివరణ మాపై వున్నది.

ఈ అన్నిటిలో పోలీసు నంజనగూడు ట్రోబిలో రేంజర్ట్రిగ్గర్లు
నేరాలు అని నానాసి 250-0-0 రూపాయలు బాల్లాసోయలు
10 ల్ల్ కింద కు బాండు పెట్టమని అనుమతించి. ఈనానన్ను లాకప్ గుండు
మోపుటం తిరిగి నన్ను జీవనశక్తి పిండుకు రేంజర్ అనుకొని. నానాసి ఇరిగి
పుచ్చి జీవనం పోసిరువరకు 1 సంవత్సరం కంటే లాకప్ లో
ఇల్లనే జీవిస్తూ బడుగు కష్టాలు పొందారు. ఈ కార్యక్రమంలో వుంటిరాక
మొయం కీయలూ నన్ను జీవనశక్తి రాల్లు డాంబరం కొంటాలని. కయ్యి ఇచ్చి చేసిన
సత్యాశవరం నన్ను లాకప్ లోకు రేంజ్ చేసి కింది కోర్టులో జీవనం
నాను నానాసి జీవనం అనుభవిస్తూ పెట్టుబడి పెట్టుబడి నాను నన్ను
జీవనంలో రాళ్ల మీద ఇన్ను మంచి పుట్టుగా త్రోవ్ పెట్టుకొని.
కయ్యి ఇచ్చి నానాసి జీవనం రాల్లుసి రేంజ్ చేసి కింది కోర్టు పంపించాలి.
ఇట్టి నన్ను కోరి.

ఓ ది దేవతలాని ఒట్టి పెట్టి నాను-

31/3/32 శ్రీనివాస నాయక

Before me

District Magistrate,
Mysore District.
31.3.32

Appendix F G—1

SUBJECT .....

.....

.....

Section Legn

File No. G-31

Serial No. 6

Diary No. of letter replied to ..... No P6681

To Notification

In exercise of the powers vested in them under section 18 (1) of the Cochin Motor Vehicles Regn., 1928, the Govt. of H. H. the Maharaja of Cochin are pleased to declare that Driver Sridharan son of Malige Kunjanna of aged 25 years Nanjangud, Mysore Dt., shall be disqualified permanently from obtaining a driving license under the said Regulation

By Order

for Chief Secy. to Govt.

General and Revenue Secretariat

( )

the *193*

Date of issue 11-5-32

Signed by .....

List of enclosures .....

Copied by 14/11/32

Examined by .....

WD 71—GPBM—40,000—20-7-31.

Rec.a

8

The Compiler, Leys Gazette
for publication in the Gazette

Memo:- P.6682 dt 14-5-32
Copy of the above is
forwarded with Compts to the
Hon Secy to Govt in reply to his
letter No Cr 831/31-32 dt 31.3.32
Dep Conductor

P.6683-32 Chief Secy to Govt
Copy to Hon Secy of State for

Hon
W/S

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

9

No. P 6681/Legs 4-31-8 GENERAL AND REVENUE SECRETARIAT,

Dated, Bangalore, 15-5-1932.

NOTIFICATION.

In exercise of the powers vested in them under Section 18(1) of the Mysore Motor Vehicles Regulation, 1928, the Government of His Highness the Maharaja of Mysore are pleased to declare that Driver Srikanta, son of Malige Kempanna of Nanjangud, Mysore District, shall be disqualified permanently from obtaining a driving license under the said Regulation.

By Order,

for Chief Secretary to Government.

To

The Compiler, Mysore Gazette,
for publication in the gazette.

S.R.-14